

REMARKS/ARGUMENTS

Status of Claims

Claims 1 to 100 remain in the application.

In the current Official Action, as in the previous Office Action, it is not identified why claims 41 to 43 have been rejected.

It is also noted that the Examiner has not included claim 48 in any of the list of claims being rejected, but has rejected the claim with an explanation on page 5 of the Office Action.

35 U.S.C 103 Claim Rejections

The Examiner has rejected claims 1-5, 8-12, 22-27, 30-33, 44-47, 49-53, 65, 66, 89, 91-94 and 96 under 35 U.S.C. 103(a) as unpatentable over Strawczynski (U.S. Patent No. 6,522,633) in view of Kerr (U.S. Patent No. 5,844,600). It is noted that claim 48 was also rejected using this combination of references.

The Examiner has rejected claims 6, 28 and 90 under 35 U.S.C. 103(a) as being unpatentable over Strawczynski in view of Kerr and further in view of Polomski (U.S. Patent No. 6,584,077).

The Examiner has rejected claims 13, 15, 67-78, 86-88, 95 and 100 under 35 U.S.C. 103(a) as being unpatentable over Strawczynski in view of Kerr and further in view of Smart (U.S. Patent No. 5,845,243).

The Examiner has rejected claims 19, 20 and 60-64 under 35 U.S.C. 103(a) as being unpatentable over Strawczynski in view of Kerr and further in view of Foster (U.S. Patent No. 6,466,550).

The Examiner has rejected claims 79-85 under 35 U.S.C. 103(a) as being unpatentable over Strawczynski in view of Kerr and Smart and further in view of Foster.

In the current Office Action the Examiner has not responded to the explanation in Applicant's response dated March 9, 2004 to the Office Action issued November 10, 2003, that Strawczynski should not be used in a 35 U.S.C. 103 obviousness rejection. As such, we maintain our position that Strawczynski cannot be cited as prior art in a 35 U.S.C. 103 obviousness

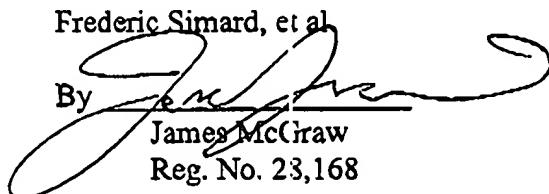
rejection via 35 U.S.C. 102(e) as both the Strawczynski patent and the current application at the time of the invention were assigned to the same Applicant, that being Nortel Networks Limited. A title document establishing the name change of Nortel Networks Corporation (in the case of Strawczynski) to Nortel Networks Limited was filed with the USPTO on August 30, 2000.

Strawczynski was filed on December 22, 1998 and was granted as a patent on February 18, 2003. The present application was filed on December 30, 1999. These dates confirm that Strawczynski would need to be cited via 35 U.S.C 102(e). Therefore, the various 35 U.S.C 103(a) obviousness rejections are moot in view of the fact that Strawczynski cannot be used in such a 35 U.S.C. 103 obviousness rejection. Therefore, claims 1-100 should all be allowable.

The undersigned confirms discussing the Office Action with the Examiner's supervisor, Mr. Patel, on July 13, 2004. Mr. Patel's assistance is gratefully acknowledged.

In view of the forgoing, early favorable consideration of this application is earnestly solicited.

Respectfully submitted,

Frederic Simard, et al
By 
James McCraw
Reg. No. 23,168

Date: August 11, 2004
JMC:MSS:plm
Ottawa, Ontario, Canada
Tel.: 613-232-2486